

CITY OF MUSKEGON  
**MUSKEGON HOUSING BOARD OF APPEALS**  
MEETING MINUTES  
November 6, 2014  
5:30 PM

Vice Chairman W. Krick called the meeting to order at 5:34 p.m.

ATTENDANCE: B. Turnquist, W. Krick, B. Arthur, E. Simmons, R. Mackie

ABSENT: K. Kolberg; G. Borgman, excused

STAFF: H. Mitchell; J. Lewis, Public Safety Director; K. Briggs, SAFEbuilt; D. Renkenberger

OTHERS: J. Aguirre, 2100 Teepee Ave, Carpentersville, IL; L. Meyers, 37 Geneva, Elgin IL; B. Boltze, 3579 W. Webster, Montague; M. Olejarczyk, 690 W. Southern Ave.; K. Doyon, 13650 172<sup>nd</sup>, Grand Haven

**MEETING MINUTES:**

A motion to approve the regular meeting minutes of October 3, 2014 was made by R. Mackie, supported by E. Simmons and unanimously approved.

B. Turnquist stated that he may have to leave early if the meeting went past 6:15, as he had another appointment.

J. Lewis requested that the board hear the cases out of order, since there were representatives present for some of the cases but not for others. Cases where a representative was present were heard first.

**Old Business:**

EN145695 – 1328 Spring Street. Jesus Aguirre, 2100 Teepee Ave, Carpentersville, IL 60110 (tabled 10/2/14 meeting). The 2013 taxes are delinquent. A permit for roof repairs was issued on 9/12/2014 with an expiration date of 3/11/2015, to repair damage from a tree falling on the home in April 2014. This case had been tabled from the October meeting to give the owner a chance to schedule a Trades Inspection with SAFEbuilt, and to work on a timeline for the repairs. On 10/10/2014 a Trades Inspection was performed. A list of defects had been created, but there a timeline hadn't been created prior to the meeting. Photos from the inspection were provided to the members.

K. Briggs stated that SAFEbuilt had provided Mr. Aguirre and Mr. Meyers with a defect list, but they still needed to come up with a timeline for the repairs from the inspection, and confirmation that the owner had the funds to make the repairs. J. Aguirre stated that he had applied for a loan to do repairs, but he needed time to get the roof completed. He asked for a 60-day extension. L. Meyers stated they had obtained a permit for the roof repairs, but it would take two to three weeks to get the additional roof parts listed by the inspector. B. Arthur advised J. Aguirre and L. Meyers that they needed to set up a timeline with SAFEbuilt for all the necessary repairs from the Trades inspection. L. Meyers stated the roof would be complete within 60 days. K. Briggs stated that a timeline for all the repairs would be needed. They stated that they could have it all done within 60 days if the loan was approved.

A motion to table this case for 60 days so the property owner would have time to establish a timeline with SAFEbuilt to get the repairs completed, was made by B. Arthur, supported by E. Simmons and unanimously approved. K. Briggs added that if the property owner had a certificate of occupancy before the February meeting, he would not be required to attend the meeting. The motion included this.

EN145698 – 690 W. Southern (accessory structures only) – Marion Olejarczyk, 690 W Southern Ave., Muskegon, MI 49441 (tabled 10/2/14 meeting). The 2013 taxes are delinquent to the County Treasurer. This case was tabled from the last meeting so that the owner could make contact with SAFEbuilt to have inspections completed on the three accessory structures located on the property, and to work out a timeline for any repairs to be brought back to this meeting. As of this staff report, the owner had scheduled an inspection to be performed on 11/3/2014.

K. Briggs stated that he had met with the owner at the property, and there were still a list of defects that had not been addressed, which included roof work, repairs to siding due to rot and holes, and door repair. The applicant was supposed to have a timeline for repairs brought to the meeting. M. Olejarczyk stated that he had done some work, but Schmidt Roofing could not come out for roof repairs until the spring. B. Turnquist asked what work had been done. K. Briggs stated that work had been done to some doors. W. Krick stated that he expected more work to be completed, after the last meeting when Mr. Olejarczyk was given the 30-day extension. M. Olejarczyk stated that he didn't understand why the siding had to be repaired, when it was working. K. Briggs stated that OSB board was not approved exterior siding material, and some of it had rotted away, while other areas had holes. It needed to be covered with approved exterior siding material. W. Krick stated that the property was unsightly with the accessory structures being in such disrepair, and any work done to the structures must comply with City code.

A motion to table this case until the spring to give the owner time to set up a timeline for repairs with SAFEbuilt and to get all items on the defect list repaired was made by E. Simmons, supported by B. Arthur and unanimously approved.

EN145296 – 324 W. Larch Avenue. James Duncan, 309 E Hackley Ave., Muskegon, MI 49444 (tabled 10/2/14 meeting). The 2013 winter taxes are still delinquent. A permit was issued to replace five windows and two exterior doors on September 30, 2014 and expires on March 29, 2015. This was tabled from the last meeting to give the owner time to make contact with SAFEbuilt to have a Trades Inspection completed.

B. Boltze, the land contract holder for this property, was present. He stated that the doors to the house were wide open, windows had been broken out, and the house had been vandalized with spray paint. B. Turnquist asked if an inspection had been done. K. Briggs stated that Mrs. Duncan had just called his office that day and scheduled an inspection for November 17. W. Krick asked if the Duncan's were up-to-date on the land contract payments. B. Boltze stated that they had paid him for a couple of past-due months, but they still owed for November and the taxes were still unpaid, which violated the terms of the land contract. He stated that, at this point, he would rather take the Duncan's to court for the final two land contract payments, and not take the house back. Board members and staff discussed whose name the property was in, and who had the authority to order an inspection. K. Briggs stated that the taxes were in the Duncan's name and they were the owner of record, so they would be the ones responsible.

A motion to declare the structure substandard, dangerous and a public nuisance was made by E. Simmons, supported by R. Mackie and unanimously approved.

New dangerous building case EN146341 regarding 390 W. Dale Ave. was heard next, since a representative was present.

EN146341 – 390 W Dale Ave. Jeremiah & Amanda Wright, 390 W Dale Ave., Muskegon, MI 49441. A Notice & Order was issued on September 12, 2014. The owner contacted staff and stated that he intended to fix the home so they could move back in. The Fire Marshall and SAFEbuilt had inspected the property and had the residents removed due to unsafe/unsanitary conditions. No permits had been obtained. The land contract holder had also been in contact with staff.

K. Doyon stated that he was the land contract holder. Child protective services had been called to the property due to poor conditions there and the residents had been removed. The Wrights had advised him that they intended to fix the house. W. Krick asked if he would be taking the house back. K. Doyon stated that a neighbor had expressed interest in buying the house and tearing it down to make a parking lot. If the neighbor did not buy it, K. Doyon stated that he would do the repairs and re-sell it on land contract. W. Krick asked if SAFEbuilt had been through the house. K. Briggs stated that they had not. R. Mackie asked K. Doyon if he needed time to get the land contract issue settled. K. Doyon stated that he was taking the Wrights to court, and would need ninety days just for the court process. K. Briggs wanted a time frame to get the issues resolved. E. Simmons asked K. Doyon what his intentions were for the house. K. Doyon stated that his preference would be to sell it to the neighbor.

A motion was made by B. Arthur to table this case as follows: to give Mr. Doyon ninety (90) days to get the legal issues with the land contract resolved, followed by another sixty (60) days to get the demolition or repairs completed, with K. Doyon returning to the HBA no later than the May meeting. W. Krick stated that any new owner would be bound by the same conditions and timeline. K. Doyon agreed. The motion was supported by R. Mackie, and unanimously approved.

B. Turnquist left at 6:15 p.m.

EN090113 – 619 Amity Ave. Farhad Saahi, 6479 Avalon Dr., Caledonia, MI 49316 (needs to be re-started). On 9/6/2012 the HBA declared this a dangerous building and public nuisance. The County Treasurer foreclosed on the property on 4/1/2013 due to taxes owed. The property was then sold on 8/9/2013 at the tax foreclosure sale to Laketon LLC, who then sold it to Farhad Saahi on 1/10/2014. An interior inspection was completed by SAFEbuilt on 1/15/2014, and a timeline for repairs was developed. The timeline showed that the repairs would be completed by 6/15/2014. The owner did obtain permits, with 4 having now expired and 1 finalized. K. Briggs notified H. Mitchell that the timeline was up and repairs were not completed. Therefore, this house needs to be declared as a dangerous building again. There were no taxes owed to the County Treasurer.

A motion to declare the structure substandard, dangerous and a public nuisance was made by E. Simmons, supported by B. Arthur and unanimously approved.

### **Dangerous Building – New Cases:**

EN145739 – 1073 Williams Ave. Tanisha Snowden, 1325 Toler Ave, Gardnerville, NV 89410. A Notice & Order was issued 9/12/2014. The owner did call and staff informed her that she should contact SAFEbuilt to schedule a trades inspection. It had been scheduled for 9/22/2014 but then she cancelled it. She also contacted H. Mitchell to see if the case could be tabled until spring. H. Mitchell requested that the owner submit something in writing so it may be presented to the board members to review. H. Mitchell provided board members with a copy of the correspondence asking

that the case be tabled until Spring 2015. The 2013 winter taxes are delinquent with the County Treasurer.

A motion to declare the structure substandard, dangerous and a public nuisance was made by R. Mackie, supported by E. Simmons and unanimously approved.

EN146339 – 1468 8<sup>th</sup> Street. Eugene Leroux, 3558 Mohawk Dr. Muskegon, MI 49441. The 2012 summer & winter taxes are delinquent. The 2013 summer taxes were paid but the 2013 winter taxes were not. A Notice & Order was issued 9/12/2014. This three-unit home had a fire on 5/23/2014. The owner's daughter did call the City to request a list of demolition contractors because there was no structure insurance on the home and she wanted to try to get a quote for the demolition. There has been no further contact from the owner and no permits obtained. Staff is asking that this be declared an emergency demolition as this is across the street from Nelson Elementary and school is in session.

J. Lewis supported the emergency declaration due to blight and safety concerns, since the elementary school was so close by. K. Briggs stated that he had not had any contact from the owner.

A motion for an emergency demolition of this structure due to it being substandard, dangerous and a public nuisance was made by R. Mackie, supported by B. Arthur and unanimously approved.

J. Lewis informed board members that staff was pursuing a new ordinance that would require the owners of rental properties to provide proof of homeowners insurance when they applied for their certificate of compliance for rental properties.

EN146340 – 448 E. Isabella Ave. Elizabeth Barnhard, 4805 Squires Rd, Conklin, MI 49403. A Notice & Order was issued on 9/12/2014. There has been no contact from the owner and no permits obtained to repair or demolish the structure. There had been a fire at this location on 7/24/2014. No fire inspection has taken place nor has there been any other contact with the owner.

K Briggs stated that the neighbor had been complaining that the condition of this house and how it was negatively affecting his property and potential renters.

A motion to declare the structure substandard, dangerous and a public nuisance was made by R. Mackie, supported by E. Simmons and unanimously approved.

**Other:**

W. Krick stated that once the structure was demolished at 159 W. Larch, the concrete driveway was still in place. He asked this to be looked into since it should have been removed. K. Briggs stated that he would look in to it.

There being no further business, the meeting was adjourned at 6:25 p.m.